

49-6-3402. Alternative schools for suspended or expelled students — Mandated attendance. —

(a) Local boards of education may establish **alternative schools** for students in grades one through six (1-6) who have been suspended or expelled from the regular school program. At least one (1) **alternative** school shall be established and available for students in grades seven through twelve (7-12) who have been suspended or expelled as provided in this part. In providing **alternative schools**, any two (2) or more boards may join together and establish a school attended by students of any such school system; furthermore, any board may, by mutually acceptable agreement with another board, send its suspended or expelled students to any **alternative** school already in operation. No student may graduate based solely on attendance in **alternative schools**.

(b) **Alternative schools** shall be operated pursuant to rules of the state board of education pertaining to them, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work completed and credits earned in the **alternative schools** shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c) Attendance in an **alternative** school shall be voluntary unless the local board of education adopts a policy mandating attendance in either instance. The student shall be subject to all rules appertaining thereto. A violation of such rules by a student may result in the student's removal from this school for the duration of the original suspension or expulsion, but shall not constitute grounds for any extension thereof. The final decision on such removal shall be made by the chief administrator of the **alternative** school.

(d) Any student attending an **alternative** school shall continue to earn state education funds in such student's home school system and shall be counted for all school purposes by that system as if still in attendance there.

(e) A pupil who has been properly found to be eligible for special education and related services shall be placed and served in accordance with the laws and rules relating to special education.

(f) (1) The state board of education in its rules and regulations for the operation of **alternative schools** shall require documentation of the reasons for a student attending such school and provide safeguards to assure that no child with disabilities or other special student is arbitrarily placed in such school. The state board of education in its rules and regulations shall require that all **alternative** school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

(2) The state board of education shall provide a curriculum for **alternative schools** to ensure students receive specialized attention needed to maximize student success. **Alternative schools** shall offer **alternative** learning environments in which students are offered a variety of educational opportunities, such as learning at different rates of time or utilizing different, but successful, learning strategies, techniques and tools.

(g) Notwithstanding any provision of this section or other law to the contrary, local boards of education may establish evening **alternative schools** for students in grades six through twelve (6-12).

(h) A pilot project of mandated attendance in an **alternative** school for students who have been suspended shall be established by the department for the school year 2007-2008 in any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2000 federal census. The pilot project shall be subject to **alternative** school staffing and space availability. The department shall monitor and review the pilot project and shall report the results of the review to the education committees of the senate and the house of representatives and the state board of education by February 16, 2009.

(i) (1) LEAs establishing **alternative schools** or contracting for the operation of **alternative schools** shall develop and implement formal transition plans for the integration of students from regular **schools** to **alternative schools** and from **alternative schools** to regular **schools**. The plans shall be targeted to improve communication between regular and **alternative** school staff, provide professional development opportunities shared by regular school staff and **alternative** school staff, align curriculums between regular **schools** and **alternative schools**, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

[Acts 1984 (1st E.S.), ch. 5, § 1; 1986, ch. 939, § 1; 1992, ch. 535, § 41; 1996, ch. 988, § 12; 1998, ch. 871, § 3; 2005, ch. 200, § 1; 2006, ch. 895, § 1; 2007, ch. 455, § 1; 2007, ch. 517, § 4.]